

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT
HYDERABAD

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR BILAL NAZKI,

THE ACTING CHIEF JUSTICE

and

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT APPEAL NO : 847 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order
dated 28/03/2005 in WP NO : 9248 OF 2002 on the file of the High
Court.)

Between:

M/s.Sai Food Products, rep., by its Proprietor, L.Hanumantha Rao,
s/o Venkateswarlu, r/o D.NO.712, Main Road, Sateenapalli, Guntur
District.

..... APPELLANT

AND

1 The A.P.Industrial Infrastructure Corporation

Limited, rep., by its Zonal Manager, Vijayawada,

Krishna District.

2 The Estate Officer, o/o the Manager (Recoveries)

TR&B (B--II) Department, A.P.Industrial

Infrastructure Corporation Limited, Fateh Maidan
Road, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant:SMT.G.JYOTHI KIRAN

Counsel for the Respondents No.: MR.R.SUBBA RAO

The Court made the following :

JUDGMENT (Per Hon'ble the Acting Justice)

Heard the learned counsel for the parties.

2. The writ petitioner – appellant was allotted shop No.4-A in the Industrial Estate, Sattenapalli on sale and sale agreement was executed on 22.11.1995. The appellant paid 30% of the cost and 70% of the cost amounting to Rs.2,83,991-40 ps. was payable within six months. The appellant also executed a promissory note. In terms of agreement dated 22.11.1995, payment had to be made within time. Appellant failed to pay the balance amount of 70%. He also failed to avail any interest waiver. Demand notices were given to him on 22.2.1996, 5.3.1997, 20.5.1997 and 29.10.1997. When payment was not made, the allotment was cancelled, in accordance with the

conditions of the agreement and the sale agreement was determined on 8.1.1998. Appellant was called upon to handover the vacant possession of the land and shop by notice dated 28.1.1998. Thereafter, proceedings were taken against him under A. P. Public Premises (Eviction and Unauthorized Occupants) Act, 1968. Appellant filed a suit in O.S.No.359/2000 for permanent injunction. Thereafter, he also filed an appeal against the order of Estate Officer, being C.M.A.NO.31/2001, which is also pending.

3. In this factual situation, the learned single Judge dismissed the writ petition, since he also came to the conclusion that since C.M.A.No.31/2001 was pending, parallel proceedings cannot go on in the High Court. We fully agree with the learned single Judge. We find no merit in the writ appeal, which is accordingly dismissed. No costs.

BILAL NAZKI, HACJ

DR.G.YETHIRAJULU,J

AVS

DATE:19-04-2005

.....REGISTRAR

To

1. The A.P.Industrial Infrastructure Corporation
Limited, rep., by its Zonal Manager, Vijayawada,
Krishna District.

2 The Estate Officer, o/o the Manager (Recoveries)
TR&B (B--II) Department, A.P.Industrial
Infrastructure Corporation Limited, Fateh Maidan
Road, Hyderabad.

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